

REMARKS

1. Claims 11-16, 18, 19, 21, 22, 24 and 25 fulfill the requirements of 35 U.S.C. §112.

Claims 11-16, 18, 19, 21, 22, 24 and 25 stand rejected on 35 U.S.C. §112, second paragraph grounds for failing to particularly point out and distinctly claim the invention.

Specifically, claim 11 and the claims dependent thereupon are asserted to be unclear for reciting "optionally" for the polar lipid component of the claimed composition of matter. Applicants have amended claim 11 consistent with the Examiner's helpful suggestion to recite that the claimed composition of matter "further" comprises said polar lipid element. Applicants thus respectfully contend that claim 11, as amended, and the claims dependent thereupon satisfy the requirements of 35 U.S.C. §112, second paragraph and request that the Examiner withdraw this ground of rejection.

Claims 18, 19, 21 and 22 are defective according to the Office Action for reciting a "microbial" infection using compositions of matter comprising antiviral compounds. Applicants have amended claims 18 and 19 to recite "a virus or microorganism," claim 21 to recite "a viral infection" and claim 22 to recite "a microbial or viral infection" and thus respectfully submit that the amended claims are congruent in scope with the compositions of matter recited in these claims. Applicants thus respectfully contend that the claims, as amended, satisfy the requirements of 35 U.S.C. §112, second paragraph and request that the Examiner withdraw this ground of rejection.

Applicants believing that all grounds of rejection based on 35 U.S.C. §112, second paragraph have been overcome by amendment, they respectfully request that the Examiner withdraw these grounds of rejection.

2. Claim 21 is not the same invention claimed in U.S. Patent No. 5,543,391 under 35 U.S.C. §101.

Claims 17 and 21 stand rejected under 35 U.S.C. §101 as claiming the same invention as claimed in claims 3 and 19, respectively, of U.S. Patent No. 5,543,391. Applicants have cancelled claim 17, thereby rendering this ground of rejection moot. Regarding claim 21, Applicants have amended the claim to recite that the method is directed to a viral infection.

Applicants thus respectfully contend that the claim, as amended, does not claim the same invention as claim 19 of U.S. Patent No. 5,543,391. Applicants therefore respectfully request that this ground of rejection be withdrawn.

3. Applicants acknowledge the obviousness-type double patenting rejection.

Applicants acknowledge rejection of all pending claims under the judicially-created doctrine of obviousness-type double patenting. Applicants elect to defer submission of a Terminal Disclaimer that overcomes this ground of rejection, or traversal of this rejection until such time as all other grounds of rejection have been withdrawn.

CONCLUSIONS

Applicants respectfully contend that all conditions of patentability have been met and that the pending claims are in condition for allowance. Allowance of the pending claims is therefore respectfully solicited.

If the Examiner in charge of this application believes it to be helpful, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,
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